

ORC Comments
11-03

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:

Morgan Electro Ceramics
Bedford, Ohio

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act,
42 U.S.C. § 7413(a)(1)

)
)
) FINDING OF VIOLATION AND
) NOTICE OF VIOLATION
)
) EPA-5-04-OH-01
)
)
)

FINDING AND NOTICE OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) finds that Morgan Electro Ceramics (Morgan) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412, and the Ohio State Implementation Plan (SIP). Specifically, Morgan is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Halogenated Solvent Cleaning at 40 C.F.R. Part 63, Subpart T, and the Ohio SIP as follows:

Regulatory Authority

1. On December 2, 1994, in accordance with Section 112(b) of the Act, U.S. EPA promulgated National Emission Standards for Halogenated Solvent Cleaning, codified at 40 C.F.R. Part 63, Subpart T, 59 Fed. Reg. 61805.
2. Pursuant to 40 C.F.R. § 63.460(a), the provisions set forth at 40 C.F.R. Part 63, Subpart T, apply to each solvent cleaning machine that uses a solvent, as a cleaning and/or drying agent, in a total concentration greater than five percent by weight of any one or any combination of the following halogenated hazardous air pollutant ("HAP") solvents: methylene chloride, perchloroethylene, trichloroethylene, 1,1,1,- trichloroethane, carbon tetrachloride, or chloroform, or any combination of these halogenated HAP solvents.
3. The regulation at 40 C.F.R. § 63.460(c) states that each solvent cleaning machine subject to 40 C.F.R. Part 63, Subpart T, that commences construction or reconstruction after November 29, 1993, shall achieve compliance with the provisions of that subpart immediately upon startup or by December 2, 1994,

whichever is later.

4. The regulation at 40 C.F.R. § 63.464 provides an alternative to meeting the requirements of § 63.463. If an owner or operator elects to comply with the alternative standards at § 63.464, the owner or operator can elect to comply with the requirements in § 63.464(a)(1) or (a)(2).

5. If the cleaning machine has a solvent/air interface, as defined in § 63.461, the owner shall comply with the requirements specified in § 63.464(a)(1)(i) and (ii).

6. The regulation requires, at 40 C.F.R. § 63.464(a)(1)(i), that the owner or operator maintain a log of solvent additions and deletions for each solvent cleaning machine.

7. The regulation requires, at 40 C.F.R. § 63.464(a)(1)(ii), that the owner or operator of each batch vapor solvent cleaning machine ensure that emissions are less than or equal to the applicable emission limit presented in Table 5 of Subpart T. Table 5 of Subpart T states that the emission limit for batch vapor solvent cleaning machines is 150 kilograms per square meter (of surface area) per month based on a three-month rolling average monthly emission limit. That is equivalent to an emission limit of 30.6 pounds per square foot of surface area per month based on a three-month rolling average. ✓

8. The regulation requires, at 40 C.F.R. § 63.464 (b), that each owner or operator of a batch vapor cleaning machine complying with § 63.464(a) demonstrate compliance with the applicable three-month rolling average monthly emission limit on a monthly basis as described in § 63.456(b) and (c).

9. The regulation requires, at 40 C.F.R. § 63.464 (c), that if the applicable three-month rolling average emission limit is not met, an exceedance has occurred. All exceedances shall be reported as required in § 63.468(h).

10. The regulation at 40 C.F.R. § 63.4(a)(1) states that no owner or operator subject to the provisions of [Part 63] must operate any affected source in violation of the requirements of this part.

11. The regulation at 40 C.F.R. § 63.4(a)(2) states that no owner or operator subject to the provisions of [Part 63] shall fail to keep records, notify, report, or revise reports as required under this part.

SIP Regulatory Authority

12. U.S. EPA approved the Ohio Administrative Code ("OAC") Chapter 3745-35-02(A) as part of the federally enforceable Ohio SIP on June 10, 1982. 47 Fed. Reg. 25145.

13. OAC 3745-35-02(A) requires that, except as otherwise provided in paragraph (H) of this rule, and in rules 3745-35-03 and 3745-35-05 of the Administrative Code, no person may cause, permit, or allow the operation or other use of any air contaminant source without applying for and obtaining a permit to operate from the Ohio Environmental Protection Agency in accordance with the requirements of this rule.

Morgan's Facility

14. Morgan has installed, and is the owner and operator of, three batch vapor degreasers at its facility in Bedford, Ohio. Since July 1, 2003, the following degreasers have operated at the Morgan's Bedford facility:

Degreaser Model	Initial Startup Date	Ohio EPA I.D. Number	Description
Baron Blakeslee Model MLR-280LE	10-17-98	L001	Batch vapor
Baron Blakeslee Model MLR-216	9-1-98	P009-B	Batch Vapor
Finishing Equipment S/N6342	8-1-99	P019	Batch Vapor

15. Construction of each of the degreasers commenced after November 29, 1993, and the degreasers use perchloroethylene with a total concentration greater than five percent perchloroethylene by weight, making them subject to the requirements at 40 C.F.R. Part 63, Subpart T.

16. Morgan has elected to comply with the alternative standard found at 40 C.F.R. § 63.464. Each of the three degreasers identified in paragraph number 14, above, is subject to a three-month rolling average monthly emission limit of 30.6 pounds of

perchloroethylene emissions per square foot of surface area.

17. Morgan is required by OAC 3745-35-02 (A) to have an operating permit for the degreaser identified as Ohio EPA ID #P019.

Violations

18. Based on exception reports, bi-annual reports, and annual reports submitted for calendar years 1999 through 2002, Morgan has reported the following exceedances of the emission limit at its facility in Bedford, Ohio:

Three month period	Degreaser (OEPA ID #)	Allowed average monthly limit (lbs/month/sq. ft. of surface area)	Reported average monthly emissions (lbs/month/sq. ft. of surface area)
4-1-99 through 6-30-99	P019	30.6	36.9
10-1-99 through 12-31-99	L001	30.6	51
11-1-99 through 1-31-00	L001	30.6	63.5
6-1-00 through 8-31-00	L001	30.6	32.2
2-1-03 through 4-30-03	P019	30.6	93.6
3-1-03 through 5-31-03	L001	30.6	46.9
3-1-03 through 5-31-03	P019	30.6	155.8
4-1-03 through 6-30-03	L001	30.6	75.9
4-1-03 through 6-30-03	P019	30.6	160.9

19. Each of the exceedances of the emission limit at 40 C.F.R. § 63.464(a)(1)(ii), as specified in paragraph number 18, above, is a violation of the limit at 40 C.F.R. § 63.464(a)(1)(ii) and a violation of the requirements at 40 C.F.R. §§ 63.4(a)(1) and 63.464(b). #

20. In an exception report dated April 23, 2004, addressed to Mr. George Czerniak of U.S. EPA, Morgan reported that it had overestimated the volume added to its degreaser known as Ohio EPA ID #P019. 2 of what?

21. The failure to maintain an accurate log of solvent additions is a violation of the requirements at 40 C.F.R. §§ 63.4(a)(2) and 63.464(a)(1)(i).

21. Morgan has failed to maintain a valid operating permit for its degreaser identified as Ohio EPA ID#P019. Morgan allowed its operating permit to expire on February 16, 1996, and continued to operate P019 without a valid operating permit.

22. The failure to have a valid operating permit for the degreaser identified as Ohio EPA ID#P019 is a violation of OAC 3745-35-02 (A).

Date

Stephen Rothblatt, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation/Notice of Violation, No. EPA-5-04-OH-01, by Certified Mail, Return Receipt Requested, to:

William J. Hocevar, Facility Engineering Manager
Morgan Electro Ceramics
232 Forbes
Bedford, Ohio 44146

I also certify that I sent copies of the Finding of Violation/Notice of Violation by first class mail to:

Robert Hodanbosi, Chief
Division of Air Pollution Control

Dennis Bush, Air Pollution Control Supervisor
Northeast District Office

Andrew Shroads, Cleveland Department of Public Health
Division of Air Quality

on the _____ day of _____, 2003.

Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: _____